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### NOTICE OF ALLOWANCE AND FEE(S) DUE

07/26/2007

BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303

EXAMINER							
PATEL, VINOD D							
ART UNIT	PAPER NUMBER						
3742							
DATE MAILED: 07/26/200	)7						

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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	10/518 022	03/10/2006	David Rikhovsky	RIKHOVSKY2	5001

TITLE OF INVENTION: ELECTRICAL HEATING DEVICE PARTICULARYLY FOR HEATING A PATIENT BODY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0 .	\$1000	10/26/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Commissioner for Patents

P.O. Box 1450 Alexandria, Virginia 22313-1450

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indicated unless correct maintenance fee notifica	ed below or directed otl	herwise in Block 1, by (	a) specifying a new co	orres	pondence address;	and/o	(b) indicating a sep	arate "F	EE ADDRESS" for
CURRENT CORRESPOND		Fee(	s) Transmittal. Thi	s certil	g can only be used for icate cannot be used s, such as an assignment lling or transmission.	for any	other accompanying		
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WASHINGTON	N, DC 20001-5303								(Depositor's name)
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									· (Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVEN	ΓOR		ATTO	RNEY DOCKET NO.	CON	FIRMATION NO.
10/518,022 TITLE OF INVENTION	03/10/2006 I: ELECTRICAL HEAT	ING DEVICE PARTICU	David Bikhovsky ILARYLY FOR HEAT	ING	A PATIENT BOI		BIKHOVSKY2		5001
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE D	UE	PREV. PAID ISSU	E FEE	TOTAL FEE(S) DUE		DATE DUE
nonprovisional	YES	\$700	\$300		\$0		\$1000		10/26/2007
EXAM	IINER	ART UNIT	CLASS-SUBCLASS						
PATEL, '	VINOD D	3742	219-528000						
☐ "Fee Address" ind	oondence address (or Cha B/122) attached. lication (or "Fee Address D2 or more recent) attach	inge of Correspondence	(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to						
	less an assignee is ident th in 37 CFR 3.11. Comp	A TO BE PRINTED ON ified below, no assignce pletion of this form is NO	•	e pa	itent. If an assign			ocumer	nt has been filed for
Please check the appropr	riate assignee category or	categories (will not be p	rinted on the patent):		Individual Co	rporati	on or other private gre	oup enti	ity Government
4a. The following fee(s)  Issue Fee	are submitted:		b. Payment of Fee(s): (			y prev	iously paid issue fee		above)
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5. Change in Entity Sta	tus (from status indicate		☐ b. Applicant is no						<del></del>
NOTE: The Issue Fee an	d Publication Fee (if rea	uired) will not be accepte ites Patent and Trademark	ed from anyone other th						
Authorized Signature					Date				*
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APPLICATION NO.	FILING DATE	. FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,022 03/10/2006		David Bikhovsky	BIKHOVSKY2	5001
1444 7	590 07/26/2007	EXAMINER		
BROWDY AND	NEIMARK, P.L.L.O	PATEL, VINOD D		
624 NINTH STRE		•	ART UNIT	PAPER NUMBER
SUITE 300 WASHINGTON,	DC 20001-5303		3742 DATE MAILED: 07/26/2007	

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 77 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 77 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)
	10/518,022	BIKHOVSKY ET AL.
Notice of Allowability	Examiner	Art Unit
	Vinod D. Patel	3742
The MAILING DATE of this communication apperatus All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	olication. If not included will be mailed in due course. <b>THIS</b>
1. This communication is responsive to <u>3/10/06</u> .		
2. ☑ The allowed claim(s) is/are <u>1-28</u> .		
<ul> <li>3. Acknowledgment is made of a claim for foreign priority unalself.</li> <li>a) All b) Some* c) None of the:</li> <li>1. Certified copies of the priority documents have</li> <li>2. Certified copies of the priority documents have</li> </ul>	e been received.	
3. ☑ Copies of the certified copies of the priority do		
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDON! THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a reply MENT of this application.	complying with the requirements
4. A SUBSTITUTE OATH OR DECLARATION must be subr INFORMAL PATENT APPLICATION (PTO-152) which give	nitted. Note the attached EXAMINEF ves reason(s) why the oath or declar	R'S AMENDMENT or NOTICE OF ation is deficient.
5. CORRECTED DRAWINGS ( as "replacement sheets") mu		
(a) ☐ including changes required by the Notice of Draftsper	rson's Patent Drawing Review(PTO	-948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
<ul><li>(b) ☐ including changes required by the attached Examined Paper No./Mail Date</li></ul>		
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in	1.84(c)) should be written on the draw the header according to 37 CFR 1.121	ings in the front (not the back) of (d).
6. DEPOSIT OF and/or INFORMATION about the dep attached Examiner's comment regarding REQUIREMENT	OSIT OF BIOLOGICAL MATERIAL FOR THE DEPOSIT OF BIOLOGIC	must be submitted. Note the CAL MATERIAL.
Attachment(s)  1. Notice of References Cited (PTO-892)  2. Notice of Profit areas & Retart Proving Poving Proving Prov		
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	Paper No./Mail D	ate
<ul> <li>3. ☑ Information Disclosure Statements (PTO/SB/08),         Paper No./Mail Date 6/14/07, 8/26/05</li> <li>4. ☐ Examiner's Comment Regarding Requirement for Deposit         of Biological Material</li> </ul>	9.	TU BA HOANG SORY PATENT EXAMINER

Application/Control Number: 10/518,022

Art Unit: 3742

#### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sheridan Neimark on 7/23/07.

The application has been amended as follows:

In claim 1, line 16, "and" have been inserted after "power source;" and in claim 1, at lines 17 to 23, the entire paragraph (ii) have been replaced with following paragraph;

-- (ii) comprises first and second heater elements each made of a material with a specific resistivity in a range of about 0.01-0.10 Ohm-mm²/m, wherein the first and second heater elements are adjacent to each other in spaced apart relationship to form spaced-apart holes of predetermined shape and distribution within the heater element plane so as to provide a desired value of working resistance of the heater element for generating a required heat power, one of said first and second heater elements having different resistance and different surface areas as compared to each other such that one has relatively high resistance and relatively low surface area serving as a heater and other serving as a distributor, the heating unit when connected to the power source thereby providing substantially homogeneous temperature field in the vicinity of the heating unit.--

Application/Control Number: 10/518,022

Art Unit: 3742

#### Allowable Subject Matter

2. Claims 1-28 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Bikovsky (WO 97/09866) discloses on paper 12, lines 14-19, heating elements with a specific resistivity in the recited range of 0.01-0.10 Ohm-mm²/m. However Bikovsky does not teach or suggest a heating device for heating a body comprising a heating unit having first and second elements having different resistance and different surface areas as compared to each other such that one has relatively high resistance and relatively low surface area serving as a heater and the other serving as a distributor. Although Bikovsky (WO 01/72249) on page 7 discloses the concept of using a first element as a heater and a second larger surface area element as a diffuser or distributor to be closer to the body, the publication date (10/4/01) disqualifies the reference as prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 571-272-4785. The examiner can normally be reached on 7.15 A.M. TO 3.45 P.M..

Application/Control Number: 10/518,022

Art Unit: 3742

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VP Vinod Patel
Patent Examiner

TU BA HOANG SUPERVISORY PATENT EXAMINER ART Art

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PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE	Application Number		10518022	
	Filing Date		2006-03-10	
	First Named Inventor	First Named Inventor David BIKHOVSKY ET AL		
STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99)	Art Unit		3739	
( Not for Submission under 37 OFK 1.33)	Examiner Name	NOT	YET KNOWN	
	Attorney Docket Numl	oer	BIKHOVSKY2	

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Examiner Initial*	Cite No	Patent Number	Patent Number Kind Code1 Issu		Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
NP/	1	3781596		1973-12-25	GALLi et al	·		
	2	3882427		1975-05-06	PFLANZ			
	3	4052588		1977-10-04	NAKAMURA et al			
	4	4665308		1057-05-12	COURVOISIER et al			
	5	4795998		1989-01-03	DUNBAR et al			
	6	4998006		1991-03-05	PERLMAN			
	7	5218185		1993-06-08	GROSS			
8 5306898			1994-04-26	YUKAWA et al				

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

( Not for submission under 37 CFR 1.99)

Application Number		10518022			
Filing Date		2006-03-10			
First Named Inventor	David	BIKHOVSKY ET AL			
Art Unit	-	3739			
Examiner Name	NOT	YET KNOWN			
Attorney Docket Number		BIKHOVSKY2			

NPI !	9	5362942		1994-11-08	VANDERSLICE, JR. et al	·
	10	5403993		1995-04-04	CORDIA et al	
	11	5422622		1995-06-06	SAKAMOTO	
	12	5495682		1996-03-05	CHEN	
	13	5777296		1995-04-07	BELL	-
	14	6111233		2000-08-29	ROCK et al	
V	15	2889445		1959-06-02	WOLF	
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

( Not for submission under 37 CFR 1.99)

Application Number		10518022			
Filing Date		2006-03-10			
First Named Inventor David		BIKHOVSKY ET AL			
Art Unit		3739			
Examiner Name	NOT Y	ET KNOWN			
Attorney Docket Number		BIKHOVSKY2			

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Examiner Initial*	Cite No	Foreign Number	Document	Country Code <sup>2</sup> j	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T5	
<i>NPI</i>	1	9717707	,	wo	A1	1997-05-15	Young PARK, II			
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Standard S	See Kind Codes of USPTO Patent Documents at <a href="https://www.USPTO.GOV">www.USPTO.GOV</a> or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.									





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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Shoot	4	of	1

Complete if Known			
Application Number Not Yet Assigned			
Filing Date		_	
First Named Inventor	David BIKHOVSKY		
Group Art Unit			
Examiner Name			
Attorney Docket Number	BIKHOVSKY2		

				U.S. PAT	ENT DOCUMENTS	
	miner	Cite No.1	Document Number Number-Kind Code <sup>2 (a)</sup> Lucown)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Λ	/P/	AA	US-3,118,042	01-14-1984	L.K. PARKER	
		AB	US-3,417,229	12-17-1968	G.J. SHOMPHE	
		AC	US-3,805,023	04-18-1974	WAINER et al	
		AD	US-4,245,149	01-13-1981	FAIRLIE	
		AE	US-4,527,047	07-02-1985	SEITZ, RUDOLF	
$\neg$		AF	US-4,532,410	07-30-1985	WEHMEYER	
		AG	US-4,752,672	06-21-1988	GRISE	
		AH	US-4,908,497	03-13-1990	HJORTSBERG	
		Al	US-4,912,308	03-27-1990	GRISE et al	
		AJ	US-5,019,797	05-28-1991	MARSTILLER et al	
		AK	US-5,073,688	12-17-1991	MCCORMACK	·
		AL	US-6,153,858	11-28-2000	LEE	
_	<b>†</b>	AM	US-6,297,770	10-02-2001	UEDA et al	
	1	AN	US-6;300,597	10-09-2001	LEE	
	1	AO	US-6,483,990	11-19-2002	BIKHOVSKY, DAVID	
1	1	AP	US-6,664,512	12-16-2003	HOREY et al	
1	₩	AQ	US-2003-0230565	12-18-2003	BIKHOVSKY, DAVID	

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ı	Initia	als*	No.1	known)			or resorance against appear	
ı	Λ	/P/	AR	DE 39610438	12-19-1996	KONIG, ROLAND		
Ы			AS	EP 0110121	08-13-1984	SEITZ, RUDOLF		
1			AT	GB 0811992	04-15-1959	BRUCE, HENRY HOPE		
1			AU	GB 2104360	03-02-1983	MAAHS, JERRY DUANE		
			AV	GB 2207030	01-18-1989	POLLOCK, JAMES FRANCIS		
ı			AW	GB 2316848	03-04-1998	DOYLE, KEITH BARRIE		
1			AX	GB 2360922	10-03-2001	BIKHOVSKY, DAVID		
ı			AY	JP 070022159	01-24-1995	KAIMOTO, TAKASHI et al		
1			AZ	WO 97/09866	03-13-1997	BIKHOVSKY, DAVID		
ı	1	1	BA	WO 01/23659	04-05-2001	LIM, JEONG et al		
i	1		вв	WO 01/72249	10-04-2001	BIKHOVSKY, DAVID		

Examiner /Vinod Patel/	Date Considered	07/05/2007
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<sup>\*</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 603. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kind Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.